

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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LOUIS COPE

Plaintiff,

v.

SSI-SSA, BEATRICE DISMAN, HHS  
ADMINISTRATION COMM’R, POPE  
PIOUS XI SAINT MARY SUB-  
ACCUTE FACILITIES, ST.  
MICHAEL’S HOSPITAL, MID-  
ATLANTIC PROGRAM SERVICE

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Defendant.

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Civil Action No. 11-6569 (KM)

**ORDER**

**MCNULTY**, District Judge

THIS MATTER having been opened to the Court by Plaintiff, Louis Cope, *pro se*, on a motion to enter default judgment and contempt of court against Defendant South Center Street Nursing, LLC d/b/a Pope John Paul II Pavilion at St. Mary’s Life Center (“St. Mary’s”) (erroneously designated in the Complaint), and against Defendant Social Security Administration and its Commissioner, Michael J. Astrue (collectively, the “SSA”); and by Goldberg and Weinberg LLP, attorneys for Defendant St. Mary’s, on a cross-motion to dismiss the Amended Complaint (“Complaint,” ECF No. 25) pursuant to Rules 12(b)(1), (2), (5), and (6) of the Federal Rules of Civil Procedure; and by Paul J. Fishman, United States Attorney for the District of New Jersey, attorney for Defendant SSA, on a cross-motion to dismiss the Complaint pursuant to Rule 12(b)(1) of

the Federal Rules of Civil Procedure; and the Court having read and considered the parties' respective submissions, and good cause having been shown,

**IT IS** this 28th day of February, 2013,

**ORDERED** that Plaintiff's motion for default judgment and contempt of court is hereby **DENIED**; and it is

**FURTHER ORDERED** that the motion of Defendant St. Mary's to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and (6) is hereby **GRANTED**; and it is

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**FURTHER ORDERED** that the motion of Defendant St. Mary's to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(2) and (5) is hereby **DISMISSED AS MOOT**; and it is

**FURTHER ORDERED** that the motion of Defendant SSA to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(1) is hereby **GRANTED**; and it is

**FURTHER ORDERED** that this matter is hereby **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 12(b)(1) and (6); and it is

**FURTHER ORDERED** that Plaintiff is granted leave to file an amended complaint on or before April 1, 2013; and it is

**FINALLY ORDERED** that the Clerk of the Court shall close the file in this case.

  
HON. KEVIN MCNULTY  
United States District Judge